IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15901 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ARVIND SHANTILAL S/O SHANTILAL ARICHANDE

Versus

THE REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 15901 of 2003

MR PANKAJ A KAPADIA for Petitioner No. 1

MR DN PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 24/12/2003

ORAL JUDGEMENT

1. Rule. Service of rule is waived by learned

advocate Shri Krunal Pandya appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. In this petition, the petitioner has prayed to issue appropriate writ, order or direction to the respondents authority directing the respondents to issue fresh passport to the petitioner. The grievance of the petitioner is that he had applied for new passport in prescribed form bearing Registration No. GPL 133203 with File No.B.016402. The say of the ld. counsel appearing for the passport authority is that the petitioner has not even cared to supply legible copy of the document showing his date of birth and so the petitioner should be directed to approach the passport authorities with representation along with legible original birth certificate so that authority can take appropriate decision qua the application of the present petition.

3. Looking to the facts of the case, the petitioner is directed to submit an application/representation to the respondent authority with relevant documents and legible original birth certificate showing his correct date of birth. If the authority is satisfied regarding the correct date of birth of the petitioner and other particulars, I am sure that the authority shall issue a new passport recording correct date of birth.

4. In the instant case, the petitioner while giving information/details to the passport authority, had not given proper legible copies and thereby committed an error. Because of the error committed by the petitioner, the respondent passport authority shall have to be directed to issue new passport on the strength of the representation made and in light of the observations made in this judgment mentioning the correct date of birth of the petitioner and other particulars. The respondents have been dragged into the present litigation because of the error committed by the petitioner in furnishing details to the passport authority as aforesaid and now the passport authority shall have to consider the representation and issue new passport with the correct date of birth and hence the petitioner should be fastened with the liability to pay some costs and the same is quantified at Rs.2500/. (Rs. two thousand five hundred only). Petitioner, therefore, is directed to pay the aforesaid amount of costs to the respondent passport authorities directly.

5. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute to the above extent. D.S. permitted.

[C.K. BUCH, J]

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